



# Public Service Commission

## State of North Dakota

---

### COMMISSIONERS

Kevin Cramer  
Tony Clark  
Brian P. Kalk

Executive Secretary  
Darrell Nitschke

600 E. Boulevard Ave. Dept 408  
Bismarck, North Dakota 58505-0480  
Web: [www.nd.gov/psc](http://www.nd.gov/psc)  
E-mail: [ndpsc@nd.gov](mailto:ndpsc@nd.gov)  
Phone 701-328-2400  
Toll Free 1-877-245-6685  
Fax 701-328-2410  
TDD 800-366-6888 or 711

March 23, 2011

Laurie & Rocky Solberg  
12626 Hwy 10 W  
Belfield, ND 58622

Dear Mr. and Mrs. Solberg:

We received your letter requesting a formal hearing on South Heart Coal LLC's application for Surface Coal Mining Permit No. SHSH-1001. This is to inform you that this is not the appropriate time to request a formal hearing on this application pursuant to the permit application review process set out in the reclamation law. The reclamation law allows interested persons to request an 'Informal Conference' with the applicant and the Commission after a permit application is deemed complete. This is stated in the newspaper advertisement being published by the applicant and in the notices we sent out to surface owners within the proposed permit area and numerous government agencies. If necessary, please refer to the informal conference procedures under North Dakota Century Code Section 38-14.1-19. An Administrative Law Judge from the Office of Administrative Hearings will be requested to preside over the informal conference.

A "Formal Hearing" can be requested following the informal conference and after the Commission makes a decision on the application. Unless I hear back from you, we will consider your letter a request for an informal conference on the South Heart Coal permit application.

Also, this is to let you know that we will soon be scheduling an informal conference on this application. You will be sent a copy of the informal conference notice as soon as it is scheduled.

If you have any questions, please let me know.

Sincerely,

Jim Deutsch  
Director  
Reclamation Division

m:\South Heart\1001\corr\2011\hrg\_rqst\_rsp\_Solberg\_3-23-11